

STATE OF CONNECTICUT  
REGULATION  
OF

Department of Public Health  
Name of Agency

Concerning  
Child Day Care Centers  
and Group Day Care Homes  
SUBJECT MATTER OF REGULATION

Section 19a-79-7a of the Regulations of Connecticut State Agencies is amended to read as follows:

19a-79-7a. Physical plant

- (a) The standards established by the following sources for the construction, renovation, alteration, expansion, conversion, maintenance and licensure of child day care centers and group day care homes, as they are amended from time to time, are incorporated and made a part of this section by reference:
    - (1) State of Connecticut Basic Building Code,
    - (2) State of Connecticut Fire Safety Code,
    - (3) State of Connecticut Public Health Code,
    - (4) local codes and ordinances.
  - (b) Plans for new construction, expansion, renovation or conversion, indicating the proposed use and accompanied by a written narrative shall be submitted to the department prior to the start of construction.
    - (1) Completed plans and specifications shall be submitted to and reviewed by the department on the basis of compliance with the Public Health Code.
    - (2) Written approval by the local building inspector, local director of health or designee, local zoning and local fire marshal shall be submitted to the department, upon request of the department.
    - (3) Approval by the department is required prior to the use of any space that has been newly constructed, expanded, renovated or converted.
    - (4) All construction, remodeling, renovation, repairs or alterations of structures shall be done in such a manner to prevent hazards or unsafe physical or environmental conditions during periods of operation.
  - (c) General requirements
    - (1) Any operator is responsible for maintaining the child day care center or group day care home in compliance with section 19a-79-1a to section 19a-79-13, inclusive, of the Regulations of Connecticut State Agencies.
    - (2) [The] **For programs serving children less than school age, the** building, equipment and services shall be maintained in a good state of repair. A maintenance program shall be established that ensures that the interior, exterior and grounds of the building are maintained, kept clean and orderly, free from accumulations of refuse, dampness, stagnant water, dilapidated structures and other health and safety hazards.
    - (3) For programs serving exclusively school age children, the building and equipment shall be maintained sanitary and free of health and safety hazards.**
- [(3)] **(4)** Water supply, food service and sewage disposal facilities shall be in compliance with all applicable sections of the Public Health Code.
- (A) All water supplies shall be tested every two (2) years for lead content and the results submitted to the local and state health departments.
  - (B) Whenever water is obtained from other than a department-approved public water supply, it

shall be of a safe and sanitary quality and tested every two (2) years for bacterial and chemical quality and the results submitted to the local and state health departments.

- (C) Sanitary drinking fountains or individual disposable drinking cups shall be provided and accessible to the children at all times.

**(D) Subparagraphs (A) and (B) of subdivision (4) of subsection (c) of section 19a-79-7a shall not apply to programs in a public school or private school in compliance with section 10-188 of the Connecticut General Statutes and approved by the State Board of Education or accredited by an accrediting agency recognized by the State Board of Education.**

(d) Basic requirements

- (1) Emergency vehicles shall have access to all child day care centers or group day care homes.
- (2) Established walkways shall be provided and properly maintained for each entrance and exit leading to a driveway or street.
- (3) In child day care centers that are licensed by January 1, 1994, a toilet and sink shall be designated for use by the staff and other adults. In child day care centers that are licensed or renovated after January 1, 1994, a room with a toilet and sink within the licensed child day care center shall be designated for the exclusive use of staff and other adults.
- (4) All windows **shall be protected to prevent falls. For programs serving children less than school age, windows** that open to the outside and are used for ventilation shall be equipped with sixteen (16) mesh screening[, and shall be protected to prevent falls].
- (5) Any unprotected glass doors, windows or mirrors to which children have access shall be protected to a height of thirty six (36) inches from the floor or surface on which a child stands.
- (6) Where overhead doors are accessible to the children, they shall be equipped with locking devices and spring protectors.
- (7) Exit doorways, stairs or hallways shall not be blocked by furniture, toys or play equipment.
- (8) There shall be an area available for the individual storage of each child's clothing and bedding.
- (9) Smoking is prohibited in all child day care centers or group day care homes and outdoor areas except in designated smoking areas, provided these areas are separate, properly ventilated and enclosed away from any children present at the facility. Signs shall be posted, visible to the public, on entrance to the facility indicating that smoking is prohibited except in designated areas. Matches and lighters shall be inaccessible to children at all times.
- (10) [Electrical outlets shall be provided with safety covers or approved safety outlets.] The use and maintenance of electrical cords, appliances and adaptors shall be in full compliance with state codes. **For programs serving children less than school age, electrical outlets shall be provided with safety covers or approved safety outlets.**
- (11) Toilet and washing facilities
  - (A) Where toilets and sinks are shared by children and adults, a written policy shall be developed and implemented that requires supervision of children when using the shared toilet room.
  - (B) Programs shall provide changing and sanitary facilities appropriate to meet the individual needs of children who are enrolled at the facility who need assistance with toileting or who are not independent with toileting.
  - (C) For programs serving children under six (6) years of age there shall be at least one (1) toilet and one (1) sink with hot and cold running water for every sixteen (16) children, or fraction thereof. Standard size toilets and sinks shall be adapted for children's use. Facilities using potty chairs in addition to the required toilets shall ensure that they are of a nonporous, synthetic product, and emptied into the toilet, cleaned and disinfected after each individual use.
  - (D) For programs serving only school age children, there shall be at least one (1) toilet and one (1) sink with running water for every twenty-five (25) children, or fraction thereof. Toilet facilities shall be designed in such a manner to allow individual privacy.
  - (E) Sinks with running water shall be readily accessible to the toilet rooms if not located within them. Toilet tissue, soap, single use disposable towels and a waste receptacle shall be accessible to the toilets and sinks. Staff and children shall wash their hands with soap and water after toileting.

- (F) Each toilet room shall be well lighted and ventilated to the outside atmosphere.
- (G) In child day care centers constructed or renovated after January 1, 1994, all toilet facilities shall be mechanically ventilated to the outside atmosphere.

(e) Environmental requirements

- (1) Every area used by children shall be adequately ventilated and have a thermometer affixed to the wall. The ambient air temperature shall be at least sixty-five (65) degrees Fahrenheit as measured three (3) feet from the floor. **Programs that serve exclusively school age children may utilize program space with the ambient air temperature less than sixty-five (65) degrees Fahrenheit provided the temperature is warm enough to accommodate the activities with comfort.**
- (2) When the temperature exceeds eighty (80) degrees Fahrenheit, the operator shall provide more fluids and increase ventilation.
- (3) The water heating equipment shall deliver water at the tap, the temperature of which shall be within a range of sixty (60) degrees Fahrenheit to one hundred fifteen (115) degrees Fahrenheit. It shall have the capacity to deliver the required amounts at all times in conformance with the State of Connecticut Basic Building Code.
- (4) Only central heating or permanently installed heating systems shall be used. Portable space heaters are prohibited.
- (5) Walls, ceilings, floors and rugs shall be maintained in a state of good repair and be washable or easily cleanable. Rugs, if used, shall be secured to the floor.
- (6) Hot water or steam pipes located in areas accessible to children shall have adequate protective covering which is maintained safely and in good repair.
- (7) Each level of the child day care center or group day care home shall be provided with a telephone in working order located within the licensed program space accessible to staff for emergency purposes. Emergency telephone numbers shall be posted in an area adjacent to the phone.
- (8) All spaces occupied by people, equipment within buildings, approaches to buildings and parking lots shall have a minimum of one (1) foot candle of lighting per square foot.
- (9) Child day care centers and group day care homes shall have at least fifty (50) foot candles of light per square foot in rooms used by children for reading, painting and other close work. There shall be at least thirty (30) foot candles of light in other work or play areas. **Programs that serve exclusively school age children may utilize program space with less lighting provided the lighting is bright enough to accommodate the activities with comfort.** In child day care centers and group day care homes constructed or renovated after January 1, 1994, all rooms and toilet rooms shall have at least one (1) light fixture switch at each entrance. All areas accessible to children shall have light fixtures that are shielded or shatter proof.
- (10) Potentially hazardous substances in the child day care centers and group day care homes shall be stored in a separate locked area.
- (11) Garbage and rubbish shall be kept in containers constructed of durable material approved by the local health director. Receptacles shall be in good repair to prevent infestations by rodents, insects and other pests and to prevent odors, injuries and other nuisance conditions. The garbage and rubbish shall be moved to an exterior waste storage area at least daily.
- (12) Stairs must be properly protected and maintained in good repair. There must be handrails installed at a height usable by children.
- (13) Toxic plants and materials are prohibited in areas accessible to children.
- (14) Any pet or animal present at the facility, indoors or outdoors, shall be in good health, show no evidence of carrying disease and be a friendly companion for the children.
- (15) When pets are kept on the premises, procedures for their care and maintenance and access to the children shall be written and implemented.
- (16) There shall be effective measures taken to prevent vermin from entering or breeding in the child day care center or group day care home. All openings to the outer air used for ventilation shall be screened with a minimum of sixteen (16) mesh screening and doors shall be provided to prevent the entrance of vectors.
- (17) If the child day care center or group day care home uses the basement level or the first floor of a building, a minimum of one (1) radon test shall be conducted using a device or service listed by the National Radon Proficiency Program and approved by the department **except if the facility is subject to the requirements related to radon testing in school buildings pursuant to section 10-220 of Connecticut General Statutes.**

- (A) This test shall be completed during the months of November through April and the results posted with the license. The department and the local director of health shall be notified of the results.

[(B)] **(18)** When confirmatory sampling results of radon gas in the air are equal to or greater than 4.0 picocuries per liter (pCi/L), the operator shall ensure that the radon gas is reduced to below 4.0 pCi/L. A qualified residential mitigation service provider as defined in sections 19a-14b and 20-420 of the Connecticut General Statutes shall be hired to reduce the level of radon gas in the air.

[(18)] **(19)** Child day care centers and group day care homes that utilize combustible fuel shall be equipped with at least one (1) operable carbon monoxide (CO) detector on each occupied level of the facility. CO detectors shall comply with Underwriters Laboratories (UL) Standards for Safety, and shall be operated in accordance with the manufacturer's instructions.

(f) Program space

- (1) The requirements of this subdivision shall apply to a child day care center or group day care home operating in a facility first licensed after January 1, 1986.

- (A) The operator shall provide a minimum of thirty-five (35) square feet of total indoor usable program space per child. The total licensed capacity shall be determined on a room-by-room basis measuring from interior wall to interior wall.

- (B) Within the allowance for total indoor usable program space, there may be furniture used by other individuals as well as the children; but there shall be open program space available which allows for freedom of movement by the children.

- (C) The following items shall be deducted from the total indoor usable square footage of program space:

- (i) bathrooms, hallways, kitchen and food service areas;

- (ii) refrigerators;

- (iii) heating and cooling units;

- (iv) staff desks and storage units;

- (v) any space or equipment used for other than the activities of the children; and

- (vi) large indoor activity room.

- (2) The requirements of this subdivision shall apply to a child day care center or group day care home operating in a facility first licensed before January 1, 1986.

- (A) The operator shall provide a minimum of thirty (30) square feet of total indoor usable program space per child. Measurements to determine total indoor usable program space shall be taken from interior walls.

- (B) Such space shall be free of furniture except that needed for the children's purposes, exclusive of toilet rooms, bathrooms, coat rooms, kitchens, halls, isolation room or other rooms used for purposes other than the activities of the children.

- (3) Cots, cribs and playpens shall be placed so that walkways are clear for emergencies and evacuation.

(g) Equipment. All equipment shall be of such design and material as to be readily cleaned and safe for children.

- (1) Equipment shall not be colored or covered by any poisonous material. All solid constituents of paint for equipment and toys, and pigment coloring in paints, pencils, crayons and inks, to be used by the children shall be non-toxic. Equipment shall be sturdy, safely constructed and free from protruding nails, rust, toxic material and other hazards.

- (2) Adequate equipment for rest shall be provided. An individual cot shall be provided for any child who regularly remains five (5) hours or longer per day. When cots are shared, they shall be washed and disinfected and linens changed between children. In a group day care home, an individual mat or individual sleeping bag may be substituted for the individual cot.

- (3) Metal equipment shall be free from rust or chipping paint.

- (4) Hardware such as air conditioners, water heaters or fuse boxes shall be inaccessible to children.

- (5) The materials and equipment available and used by children shall be developmentally appropriate for the ages of the children served.
- (h) Outdoor play space
- (1) There shall be access to a minimum of seventy-five (75) square feet per child of outdoor space for the number of children using the space at any one time. This could include parks, school yards, parking areas or elevated or roof top play areas. The outdoor area shall be fenced or protected for safety.
  - (2) Where swings, seesaws or climbing apparatus are used, the surface in the space shall be protected with a minimum of eight (8) inches of impact absorbing materials, e.g., sand or its equivalent.
  - (3) The playground shall be free of glass, debris, holes and other hazards.
  - (4) Nuts, bolts and screws shall be tight; and those that protrude shall be covered or protected.
  - (5) Outside equipment shall be anchored for stability. Anchors shall be buried below ground level.
  - (6) The operator shall provide documentation to the department, upon request, by a certified playground safety inspector that newly constructed playgrounds and all newly installed playground equipment that are set in position and anchored in such a way to last indefinitely are designed and installed in accordance with U.S. Consumer Product Safety Commission and the American Society for Testing and Materials Standards.
  - (7) The outdoor play area shall be protected from traffic, bodies of water, gullies and other hazards by barriers in a manner safe for children.
    - (A) Fences used to protect children from hazards shall be at least four (4) feet in height.
    - (B) When there is a swimming pool or any other body of water at the facility or near enough to the facility to attract or be accessible to children at any time of the year, there shall be a sturdy fence or barrier, four (4) feet high or higher, with locked entrances, which totally and effectively bars access to the water by children.
    - (C) On and after January 1, 2010, a rooftop used as a play area shall be enclosed with a wall, fence or permanent physical barrier not less than six (6) feet high and the bottom edge shall be no more than three and one half (3 1/2) inches from the base or floor. The wall, fence or permanent physical barrier shall be designed to prevent children from climbing it.
  - (8) Drinking water shall be available and accessible.
  - (9) Outdoor equipment shall be arranged in such a way as to avoid accidents.
  - (i) Swimming, wading and bathing facilities. Swimming, wading and bathing facilities, if provided, shall comply with the provisions of sections 19-13- B33b, 19-13-B34 and 19-13-B36 of the Regulations of Connecticut State Agencies. No wading pools shall be used. No day care child shall be permitted in a hot tub, spa or sauna. Hot tubs, spas and saunas shall be locked and inaccessible to children.
  - (j) No dangerous weapon as described in section 53-206 of the Connecticut General Statutes or facsimile of a firearm as defined in section 53-206c of the Connecticut General Statutes shall be permitted on the premises of the child day care center or group day care home unless the carrier of such weapon or facsimile firearm is a peace officer as defined in section 53a-3 of the Connecticut General Statutes.
  - (k) The provisions of Sections 19a-79-7a(d)(5), 19a-79-7a(d)(8), 19a-79-7a(e)(3), 19a-79-7a(e)(5), 19a-79-7a(e)(16), 19a-79-7a(g)(2), 19a-79-7a(g)(3), 19a-79-7a(g)(4), and 19a-79-7a(h)(7)(A) shall not apply to programs serving exclusively school age children.**

**Statement of Purpose: (A) the purpose of this regulation is to amend the regulations governing child day care centers and group day care homes to establish requirements for programs that exclusively serve school age children, include changes as proposed by the Connecticut After School Network and comply with the mandates of Public Act 10-90, and (B) this regulation waives or reduces some physical plant requirements for programs that serve exclusively school age children.**